



TRAUMA-INFORMED
PROSECUTOR PROJECT



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Direct Examination of the Digital Forensics Examiner

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&

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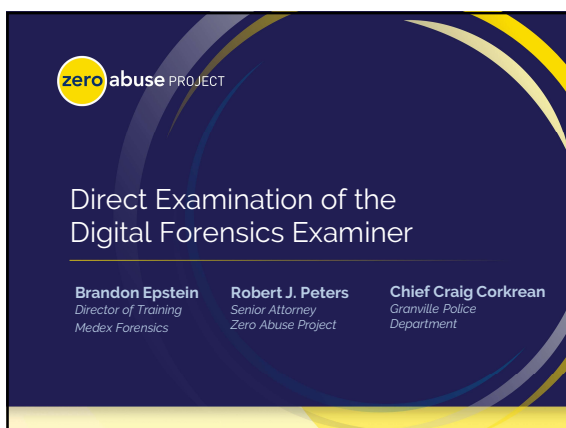
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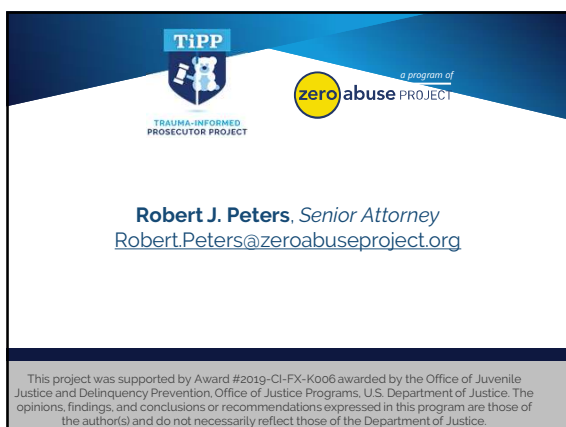
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Disclaimer


- The following is not intended to constitute legal advice.
- Terms and legal concepts include a broad range of national sources. Always consult your local prosecutor or attorney for guidance.
- Credit to Assistant State Attorney Justin Griffis and Zero Abuse Project team members for significant content and research contributions.



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Taking it Home


<u>Ideas</u>	<u>Applications</u>



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Agenda

- Tactical Considerations
- Preparing for Court
- Direct Examination Examples



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Resources

- Predicate questions are available
- Basic direct and cross-examination questions for digital forensics experts
- Hearing transcripts to illustrate lines of questioning in action



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The CSI Effect

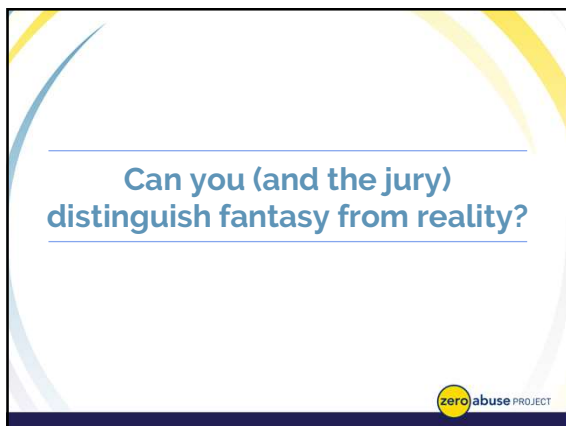


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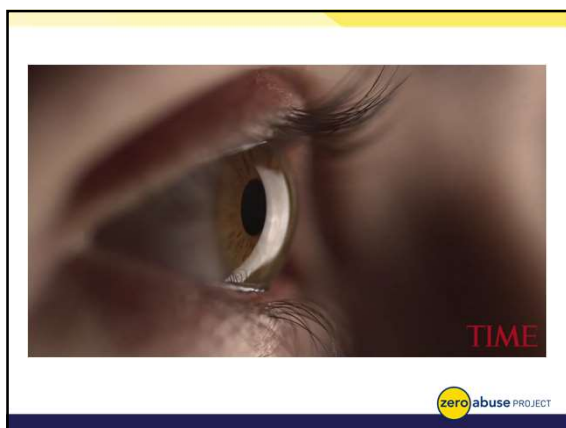
Enhance!



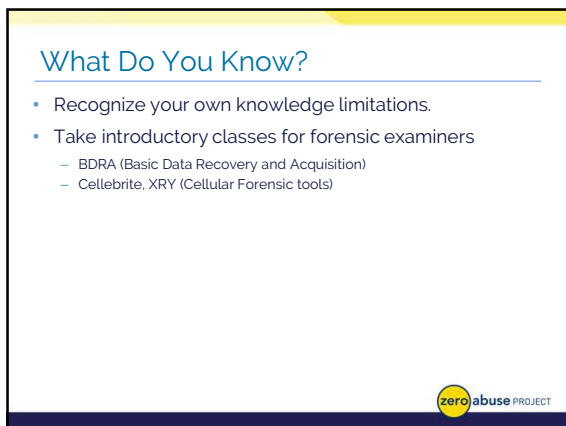
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What Do You Know? (cont)

- Learn how to read a Forensic report
 - Sit down with your expert and have them walk you through it
 - Note terms that you do not recognize and learn their meaning.
 - Forensic terms may not follow the common meaning.
 - Allocated vs Unallocated
 - IPV4 vs IPV6
 - Learn the differences between the types of forensic reports
 - For example: Logical, File System, and Physical Extraction



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Preparing for Direct Examination

- Meet with your experts for a few hours
 - Before Deposition?
 - Before Trial?
- Ensure state experts have an updated CV developed
 - Include EVERY class/lecture they have ever attended or taught.
 - Include EVERY certification they possess.
 - Include their educational background
 - They should know "roughly" how many examinations they have done
 - Detectives (if specialized) should prepare a CV as well
- Experts should bring their CV to trial



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Preparing for Direct Examinations


- Admissibility issues: be on the same page
- Explain limits of expert testimony, if applicable
- Cross of defense expert begins with state expert's direct



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Do Not Lose Your Jury!


- Know your jury
 - Question regarding technological sophistication
 - (1-5 scale)
- Terminology – layman vs complex
- Exhaustion – tolerance levels
- Importance of visuals
 - PowerPoints are effective
 - Pictures of devices, examinations, and forensic lab



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Who Is That Sitting Next To You?

- Expert witnesses are permitted to be present in the courtroom while other witnesses are testifying
- They are not necessarily subject to the rule of sequestration
- Caselaw Limitations
 - *Nibert v State*, 574 So.2d 1059 (Fla 1990)
 - *Hernandez v State*, 4 So.3d 642 (Fla 2009)



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Direct Examples



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